

**IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

11977-007
 (Inmate Number)

Mr. Johnny Ray Chandler
 (Name of Plaintiff)
U.S.P. Lewisburg
P.O. Box 1000
 (Address of Plaintiff)

Lewisburg, Pa. 17837

vs.

Edward Burman of Prisons
Officer Ms. Shayltz, C.I.O.
Mr. B.A. Bladsoe
 (Names of Defendants) Mr. B. Trait

3:11-cv-1882
 (Case Number)

COMPLAINT

**FILED
 SCRANTON**

OCT 12 2011

PER

DEPUTY CLERK

TO BE FILED UNDER: 42 U.S.C. § 1983 - STATE OFFICIALS

☒ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. Previous Lawsuits

- A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

II. Exhaustion of Administrative Remedies

- A. Is there a grievance procedure available at your institution?

☒ Yes ☐ No

- B. Have you filed a grievance concerning the facts relating to this complaint?

☐ Yes ☒ No

If your answer is no, explain why not

The Counselor will not
give me any Grievance forms

- C. Is the grievance process completed? ☐ Yes ☒ No

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

- A. Defendant Federal Bureau of Prisons is employed
as Prison system at 320 First St. NW, D.C., 20530
- B. Additional defendants Ms. Shultz is employed as a
correctional officer at U.S.P. Lewisburg
P.O. Box 1000 Lewisburg, Pa. 17837
Mr. Bladsoe is the Warden and B. Trent is the
Captain

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. This is a Bivens claim against the F.B.O.P.
and Officer, Ms. Shultz, for cruel and
Unusual Punishment, Deliberate Indifference
and Negligence in the performance of her
2. In this claim I am in imminent danger
of serious physical injury. This is a Bivens
claim against Warden B. A. Bladsoe and
Mr. B. Trent, Captain. For cruel and
3. This is a Bivens claim against the F.B.O.P.
(Federal Bureau of Prisons). In this claim the
F.B.O.P. is being sued in it's Official capacity.
For cruel and Unusual Punishment and

Claims # 385

Continued

Duty. As a correctional officer employed by the Federal Bureau of Prisons, Jurisdiction of this Court is founded under Diversity of Citizenship. I, Plaintiff Johnny Ray Chandler am a citizen of the District of Columbia. Defendant Mrs. Shoults is a citizen and resident of Pennsylvania. Which qualifies as Diversity of citizenship. Also, in this claim, Mrs. Shoults, C.O., is being sued in her individual and official capacity as an employee of the F.B.O.P. (Federal Bureau of Prisons). I am housed at U.S.P. Lewisburg. In this claim I am in Imminent Danger of serious physical injury. On the morning of 8/16/2011 while housed in B. Unit at Lewisburg, I was sexually assaulted by an inmate. I was in the cell with Inmate, Keith Salley. Officer, Mrs. Shoults was the shift no. one officer for B. Unit. The assault occurred at approx. 11 A.M. Later that day after the shift had changed, Officer Shoults came on the Range. I yelled for her to come to the cell. But, she never came. I even said that it is a life and death emergency!! She still did not come. I did not receive any help until after I took drastic action. I threatened to hang myself. Then the emergency S.O.P.T. Team was called in. Which was the only time that

Claim # 015

Continued

The Sexual Assault Issue was never addressed. Moreover, by officers, Ms. Shoulte being the O.I.C. of B. Unit, It was her job to address any and all Emergency situations. But, she did not. Which is cruel and unusual Punishment, Deliberate Indifference.

Claims # 2 Continued

Unusual Punishment, Deliberate Indifference, Negligence and Conspiracy, plus Bias Discrimination. Here at U.S.P. Lewisburg the Captain is the Chief of Security, Everything, he does that affects the prison Inmate Population must be discussed and approved by the Warden. I am assigned to S.M.U. (Special Management Unit) S.M.U. is controlled by Policy, Program Statement # 5217, 01, Per the S.M.U. Policy The B.O.P. mandates that S.M.U. is a non-punitive Program. The Warden and the Captain have intentionally turned this into a Punitive Unit (D, Unit) Upon my initial arrival at U.S.P. Lewisburg each inmate including myself were given standardized institutional mattresses $4\frac{1}{2}$ to 5" thick. Then without any Notice or Probable Cause, Captain, B. Trait with the approval of Mr. B. A. Bladser, Warden, Blasly Discriminated against me and every inmate in D, Unit. All of our mattresses were confiscated and they were replaced with Punitive Disciplinary mattresses, Only $1\frac{1}{2}$ " thick, Bias Discrimination, Negligence and Conspiracy are all Tort Claims under the F.T.C.A. (Federal Tort Claims Act).

Moreover, under the F.T.C.A. all claims must first be filed and denied by the B.O.P.

Claim # 2 (continued)

prior to the claim being filed in court. So, I direct this court's attention to Exhibit E, (Federal Tort Claim Form). Furthermore, as proof of Bias Dis, On or about 8/18/2011, I was removed from Unit D, and housed in Unit J. In that Unit, All of the inmates (myself included) had thick comfortable Mattresses, Which is addition to Bias Discrimination. Also, constitutes as a violation of Equal Treatment, under the Fourteenth Amendment. Plus a violation of the Staff Code of Conduct Program Statement # 3420.09

A. Equal Treatment (Fourteenth Amendment)

The Fourteenth Amendment is pertinent part states and mandates That, "All persons similarly situated should be treated Equally."

I am similarly situated with the inmates in J. Unit. We are all housed at U.S.P. Lewisburg. We are all in the custody of the Federal Bureau of Prisons. Plus, we all are assigned to the S.M.U. (Special Management Unit).

B. Staff Code of Conduct
Program Statement 3420.09

Johnny R. Chandler
119770057

Claim # 2 Continued

Pursuant to the above Program statement Policy, In pertinent part it states:

"Employee shall not show favoritism or give preferential Treatment to one inmate or group of inmates over another," This includes the making of Administrative decisions,

11977-007

Claim # 3 Continued

Deliberate Indifference, Both under the Eighth Amendment of the United States Constitution, I am housed at U.S.P. Lewisburg, In the custody of the F.B.O.P. In this Claim the B.O.P. has organized a Management Program, known as S.M.U. (Special Management Unit). The S.M.U. under the directions of the F.B.O.P. was designed and organized to house the most violent inmates in the custody of the F.B.O.P.

Back in June of 2011 I was physically assaulted by one of the inmates housed in S.M.U. at U.S.P. Lewisburg As part of the assault, I was literally deprived of food by this inmate. On or about July 21, 2011 I was seen in Medical for X Rays and a Medical Assessment. It was medically discovered that due to lack of food, I had lost 32 Pounds in weight. Also, I had developed an excessively low blood count, and several broken and fractured Ribs. This inmate is still housed in the same Unit as I am D. Unit. On two occasions 7-21-11 and 9-8-11, I informed the Unit Counselor, Mr. M. Edinger, (Staff), That I am in serious fear for my health and safety. Because, inmate, David E. Hill, #12585-007 told me that I would not be safe in any Unit here at Lewisburg. Because he will have one of his friends move in the cell with me and break my Jaw and both of my arms.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. As relief I move this Court by Order that OGC, should be placed on 45 days Suspension without pay, Plus \$50,000.00 from OGC, Mr. Shoulder and \$100,000.00 from the B.C.P.
2. For cruel and unusual Punishment and Deliberate Indifference I demand \$25,000.00 each from Bledsoe and Trait individually, Plus an Injunctive Order that the standard thick Blue 6" thick mattresses be put back in my cell.
3. As relief in this claim I demand (1) Injunctive order that the B.C.P.'s S.M.U. Program be immediately closed down (2) Injunctive order that I be given an Institutional Separation from Inmate David E. Hill, Plus \$100,000.00 punitive Damages

Signed this 8th day of September, 2011

Johnny Ray Chandler, Sr.
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

9/8/2011
(Date)

Johnny Ray Chandler #11977-007
(Signature of Plaintiff)

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Chandler Johnny R 11977-007 D. USP Lewis
LAST NAME, FIRST, MIDDLE-INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

This is a sensitive Emergency Complaint against the Administration here at USP, Lewisburg. I was physically assaulted by an inmate here in S.M.U. I received several broken and fractured ribs, plus nerve damage to both hands. This inmate said that he is going to have one of his friends move in the cell with me and finish the job by breaking my jaw and both of my arms. This is a life or death Emergency. I am in serious fear for my life, health and safety. I request an Institutional Separation. Please move me to another Institution. My life is in serious danger.
9/1/2011

Johnny R. Chandler
SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

Inmate Name: Johnny Ray Chandler
Register Number: 119677007
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

To: The Office of the Clerk

RECEIVED U.S. District Court
Special
MAY 18 2011
MAY E. DANDREA, CLERK
Per _____ DEPUTY CLERK

☐ A ☐ INSUFFICIENT ADDRESS
☐ C ☐ ATTEMPTED NOT KNOWN
☐ S ☐ NO SUCH NUMBER/ STREET
☐ NOT DELIVERABLE AS ADDRESSED
- UNABLE TO FORWARD



RTS
RETURN TO SENDER

RETURNED FOR _____
ADDITIONAL POSTAGE
WHEN REMAILING

Unsent
18504 \$1.148
Open
Immediately